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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/298,282	04/23/1999	MUHAMMED IBRAHIM SEZAN	SLA0115	1864

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MARGER JOHNSON & MCCOLLOM, P.C.
1030 S.W. MORRISON STREET
PORTLAND, OR 97205

EXAMINER

BELIVEAU, SCOTT E

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 07/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/298,282

Applicant(s)

SEZAN ET AL.

Examiner

Scott Beliveau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 11 July 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Drawings

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 11 July 2002 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Response to Arguments

2. Applicant's arguments filed 11 July 2002 have been fully considered but they are not persuasive with respect to claims 1-14.
3. In response to applicant's argument pertaining to claim 8, the applicant asserts, "key clips are not the same as key frames". The examiner respectfully disagrees with this position and refers the application to the instant application wherein it is disclosed that "key frames are special cases of key clips, i.e.; they can be viewed as key clips that contain a single frames." (Page 6, Lines 1-3). Based on the disclosure of the instant application, the examiner asserts that "key frames" are a particular type of "key clip" and as such the claimed language supports the rejection. Further remarks pertaining to "key frames" in reference to other claims have been fully considered are not found to be persuasive. In response to applicant's argument that the Sezan et al. (US Pat No. 6,236,395) reference fail to show that the "identification of key clips is based upon user preferences", it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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4. In response to applicant's argument pertaining to claims 9-11, the applicant asserts that claim 9 "is directed to filtering within individual programs within a broadcast" and that Sezan et al. is not directed to this "type of filtering, but . . . may allow such filtering". In response to applicant's argument, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). The claim merely states that "said filter module is operable to produce program-related information". Accordingly, the applicant by concurring that the "description. . . may allow such filtering" would meet the recited "operable" recitation. The argument Claim 10 is similarly found to be unpersuasive wherein the applicant states that claim 10 requires "storing a database index of program-related information". The examiner interpretation of the claimed language however does not support this interpretation. Rather the examiner interprets the claim such that the program-related information simply must comprise "information for database indexing for archival". As cited by the application, the Sezan et al. database provides the "means for storing and archiving" and as such comprises said information. Arguments pertaining to claim 11, are not persuasive with respect to the applicant's in view of the aforementioned distinction between "key clips" and "key frames".
5. With respect to claim 12, the examiner notes that the "program map table" is a table that is inherently included in the DVB-SI information as outlined by the DVB standard (ETS 300 . 368).
6. Arguments pertaining to claims 13-14 are not persuasive in view of the aforementioned distinction between "key clips" and "key frames".

7. Arguments pertaining to the “key clips” are not persuasive with respect to claim 1. In response to applicant's arguments against the references individually regarding the “key clip” deficiency of the Sezan et al. reference, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).
8. Arguments pertaining to claims 2-7 are similarly not persuasive as the “further limitations as to the variations on references” are shown with respect to “key clips” versus “key frames”.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

10. Claims 8-14 are rejected under 35 U.S.C. 102(a) as being anticipated by Sezan et al. (US Pat No. 6,236,395).

As to claim 8, note the Sezan et al. reference that discloses an audiovisual information system. The reference anticipates the claim by disclosing a system that may, for example, comprise a “receiver” used in a hotel room (Col 8, Lines 9-12) capable of operating upon a “digital television data broadcast service” [38] (Col 7, Lines 63-67). The receiver further comprises: a “filter module. . . “ [52] used to extract program related information based on user preferences (Col 6, Lines 16-22; Col 9, Lines 9-12), a “navigation module. . . “ which

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allows a user to browse, search, and filter program related information (Col 9, Lines 23-26, 54-56; Col 12, Lines 4-8), and a “summarizer. . . “ component [42] which allows a user to create summaries of programs (Col 4, Lines 45-55).

The Sezan et al. reference anticipates claim 9. The disclosed “filter module. . . “ is capable of generating within program-related information as disclosed through an example in which game highlights are generated using a knowledge based system [Col 8, Lines 32-37, Col 9/10, Lines 65-4].

In reference to claim 10, the disclosed embodiment “further comprises information for database indexing” and retrieval of audiovisual programming. Figure 2, illustrates a data storage unit [50], which may be used in conjunction with the filtering and browsing module [52] to retrieve, or store/archive programs (Col 9, Lines 19-22).

With respect to claim 11, the Sezan et al. reference anticipates the claimed receiver wherein it “comprises a register of user preferences. . . “ that are used “in generating said program-related information and said summaries.” In particular, note that the reference states that the analysis module [42] uses user preferences as well as other information to generate summary information (Col 8, Lines 22-29).

In reference to claim 12, note the Sezan et al. reference that discloses an audiovisual information system. The reference anticipates the claim by disclosing an audiovisual program analysis module [42] that is capable of “filtering and generating summaries of audio visual programs” in conjunction with other components used to display the information to the user. The disclosed anticipated summarization module may contain a number of sub-modules comprising: “a description extraction module operable to parse and extract. . . “

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program related descriptors to the description scheme generation module [44], “a program and system information extraction module. . . “ for extracting PSIP and DVB-SI information from the data sources (Col 8, Lines 21-29), “an inference engine. . . “ to combine audiovisual PSIP information with any other program related information such as viewer preferences (Col 7/8, Lines 63-1; Col 46-50), “a key clip extraction table. . . “ operable to extract key frames from a video program [76], and “a summary module operable to produce summaries. . . “ [78] in the form of program highlights (Col 8, Lines 49-55).

In reference to claim 13, the Sezan et al. anticipates that the “other available program information further comprises user preferences.” This information may include personal information as well as personal preferences (Col 5, Lines 37-46).

Claim 14 is anticipated by the aforementioned Sezan et al. reference because the teachings disclose that the “program information” may comprise web page or other suitable information downloaded from a web site (Col 5, Lines 25-29; Col 9/10, Lines 65-4).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent

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any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramaswamy (US Pat No. 6,295,647) in further view of Sezan et al. (US Pat No. 6,236,395).

As to claim 1, note the Ramaswamy reference, which discloses a digital television executable code context duration management system. The disclosed embodiment of Figure 1 invention meets the claimed “digital television data broadcast service comprising”: “a data service authoring subsystem” (context editor [110]), “a data service encoder” (data encoder [130]), and “a multiplexer” (MUX (140)). While the reference discloses the system in the claimed material, Ramaswamy does not teach that the context editor [110] is utilized to “identify key clips of audiovisual information.” (Col 3, Lines 17-34) The Sezan et al. reference, however teaches us that description schemes include auxiliary program information that can be used for filtering, searching, archiving, and personalization (Col 4, Lines 25-33). It would have been obvious to one of ordinary skill in the art to utilize the teachings of Sezan et al. regarding the types of information that can be inserted into a program stream with the disclosed context editor [110] of Ramaswamy in order to “provide an interactivity not previously achievable”.

In reference to claims 2-4, the context editor may utilize either “system time” or “Program Clock References” to determine the context start time and duration. While not illustrated in the Ramaswamy embodiment, it would be obvious to one of ordinary skill in the

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arts that the "video reference generator" is included for the purposes of referencing video frames and real time clock PCR information (Col 3, Lines 44-62). Similarly, it would have been obvious to one of ordinary skill in the art to utilize the teachings of aforementioned combination of the Sezan et al. and Ramaswamy in order to encapsulate the key clip data.

In reference to claim 5, the Ramaswamy reference discloses that the context editor does not have to include a specific start time for data stream packets (Col 5, Lines 17-24). It would have been obvious to one of ordinary skill in the art to utilize the teachings of aforementioned combination of the Sezan et al. and Ramaswamy to use the context editor to identify MPEG-2 sequences using start/stop flags or "triggers".

In reference to claim 6, note the Sezan et al. reference teaches that information within the program description scheme may contain information regarding the duration and terms of the number of frames featuring a particular object (Col 5, Lines 16-25). Ramaswamy similarly teaches of the use of "starting and ending references" as illustrated in Figure 4, item 430. It would have been obvious to one of ordinary skill in the art to utilize the teachings of aforementioned combination of the Sezan et al. and Ramaswamy in order to define sequences using a start and stop reference.

In reference to claim 7, note the Sezan et al. reference, which teaches that program views define the logical structure of the video frames, and may further identify segment definitions between shots, highlight definitions, video summary definitions, and groupings of different events (Col 4, Lines 45-66). It would have been obvious to one of ordinary skill in the art to utilize the teachings of aforementioned combination of the Sezan et al. and Ramaswamy in

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order to further define the information within a clip for the purposes of increased viewer efficiency.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 703-305-4907. The examiner can normally be reached on Monday-Friday from 8:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703-305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

SEB

July 16, 2002

A handwritten signature in black ink, appearing to read "John Miller", is positioned above the printed name.

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600